UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,792	11/29/2000	William J. Sequeira	600253.031	3061

61834   7590   11/19/2007

DREIER LLP
499 PARK AVE
NEW YORK, NY 10022

EXAMINER
SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
11/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>24 September 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>19-27</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>19-27</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

September 24, 2007 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 19, 23, and 27 have been

considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to

non-statutory subject matter. Claim 27, as written, does not qualify as statutory subject

matter because it describes a computer program *per se*. Applicant is advised to change

the language such that the claim is directed a computer-readable medium encoded with

a computer program product, which is in turn comprise of the claimed code segments.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tomoika et al. (6,606,748, of record) [Tomoika] in view of Throckmorton et al.

(5,818,441) [Throckmorton].

Regarding claims 19, 23, and 27, Tomoika discloses a method, system,

and computer program product embodied on a computer readable medium for

synchronizing and propagating changes to an event comprising:

assigning means for assigning an event an event identifier (fig. 1, which

collects the program guide data and parses it into individually accessible portions

of event data, referred to as "framework data" and "variation data", col. 9 line 66

– col. 10 line 45);

first registering means for registering said event in a first table (the first

table is the aforementioned "variation data", col. 14, lines 35-45 and col. 20, lines

28-30) wherein said first table stores the event identifier and an event trigger (col.

20, lines 11-24);

second registering means for registering interests of another event in a

second table (creation of the management data in the management data storage

section, col. 11, lines 1-15 and col. 18, lines 47-67) wherein said second table

stores a procedure to execute for said event trigger (such as for program shifts, if

a first program is lengthened by an amount, subsequent programs on the same

channel must then be altered accordingly, col. 20, lines 45-65);

changing means for changing said event wherein said change generates

an event trigger (col. 18, lines 24-31, new variation data is a change to one or

more event, and will include an event trigger generated by the information

provider regarding the changes, col. 20, lines 11-24 and 45-65);

first inspecting means for inspecting said first table to identify said event

trigger for said generated event trigger (fig. 2, which includes means for

inspecting the variation data storage section 12B);

second inspecting means for inspecting said second table for said

procedure to execute upon identifying said event trigger for said event identifier

(fig. 2, which includes means for inspecting the management data storage

section 12C); and

executing means for executing said procedure to change one of said other

events in response to identifying said procedure upon inspecting said second

table (col. 20, lines 45-65).

Tomoika fails to disclose said at least one other event is a subsidiary

event that provides the viewer with additional multimedia data that enhances said

event.

In an analogous art, Throckmorton discloses a multimedia distribution

system wherein additional content is associated with primary content, said

additional content is subsidiary content that provides the viewer with additional

multimedia data that enhances said primary content, enhancing the utility of the

primary content stream to a user (col. 3, lines 55-67).

It would have been obvious at the time to a person of ordinary skill in the

art to modify the method, system, and computer program of Tomoika to include

at least one other event is a subsidiary event that provides the viewer with

additional multimedia data that enhances said event, as taught by Throckmorton,

enhancing the utility of the event (primary content). The synchronization of

events applies to subsidiary events because said events are time dependent

upon the primary event, and any changes to the primary event must be reflected

in the subsidiary events (see Throckmorton, col. 4, lines 52-65).

Regarding claims 20 and 24, Tomoika and Throckmorton disclose the

method and system of claims 19 and 23, wherein said first inspecting means

uses said event identifier (to identify the even being changed, such as the

duration of a particular movie, Tomoika, col. 20, lines 45-65).

Regarding claims 21 and 25, Tomoika and Throckmorton disclose the

method and system of claims 19 and 23, wherein said second inspecting means

uses said event identifier and said event trigger (in the case of an extended

movie, the movie itself is recognized by the second means in addition to the

value by which its duration is being extended, Tomoika, col. 20, lines 45-65,

when being manipulated according to the management data, Tomoika, col. 19,

lines 1-15).

Regarding claims 22 and 26, Tomoika and Throckmorton disclose the

method and system of claims 19 and 23, wherein execution of said procedure

modifies a data model (the program guide seen in fig. 5 of Tomoika, wherein the

changes taking place are shown in fig. 4 of Tomoika).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dominic D. Saltarelli whose telephone number is (571)

272-7302. The examiner can normally be reached on Monday - Friday 9:00am -

6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS

Dominic Satwell